

### **REMARKS**

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1, 7, 12-16, 19-21, and 26 are amended; claim 8 is canceled without prejudice or disclaimer; and new dependent claims 28-30 are added. Support for the changes to the claims is self-evident from the originally filed disclosure, including the original claims, and therefore no new matter is added. Claims 1-7 and 9-30 are pending in the application.

In the Office Action<sup>1</sup> mailed June 6, 2008, claims 1-4, 6-17, and 19-27 are rejected as unpatentable over U.S. Patent No. 6,529,784 to Cantos et al. ("Cantos") in view of WO 97/46932 to Lee et al. ("Lee") and U.S. Patent No. 5,517,434 to Hanson et al. ("Hanson"), and claims 5 and 18 are rejected as unpatentable over Cantos, Lee, and Hanson, and further in view of WO 00/78557 to Knepfle et al. ("Knepfle"). It is requested that the rejections of the claims be withdrawn, and that the claims be allowed, for at least the following reasons.

Amended independent claim 1 recites "a machine processor onboard the work machine and operably connected to the machine communication system, the machine processor installing the available software update on the electronic control module [that controls or monitors a mechanical system on the work machine]." At least these features are not disclosed or suggested by any combination of Cantos, Lee, Hanson, and Knepfle.

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Cantos is directed to "[a] method for providing system management services to a customer's network of target computers through a communications network." Cantos, Abstract, and Fig. 1. In Cantos, "[t]he control server 4 may . . . access information in the KB 8 to determine when new software packages are available to customers . . . [T]he control server 4 may send a general message to all agents communicating with the control server 4 that the software package is available." Cantos, col. 6, ll. 13-18.

Lee is directed to a computer network system "in which a client system may receive upgrade [sic] and other information through a communications network from a server system which is able to confirm the identity of the client system." Lee, p. 2, l. 36 - p. 3, l. 2; and Fig. 1.

Hanson is directed to a portable data terminal that may be removably connected to a vehicle data bus via a receptacle. Hanson, col. 2, ll. 20-25; col. 6, ll. 15-34; and Fig. 1. In one embodiment, the data terminal may be an optical or RF bar code scanner. Hanson, col. 6, ll. 5-10.

Knepfle is directed to "a method and system for assisting in the communication of multiple transaction descriptions (i.e., offers for sale, auctions, listings) to a network-based transaction facility." Knepfle, p. 7, ll. 21-23.

However, no combination of Cantos, Lee, Hanson, and Knepfle discloses or suggests the claimed features of "a machine processor onboard the work machine and operably connected to the machine communication system, the machine processor installing the available software update on the electronic control module [that controls or monitors a mechanical system on the work machine]," as recited by amended

independent claim 1. It is therefore requested that the rejection of claim 1 be withdrawn, and independent claim 1 be allowed.

Amended independent claims 12 and 26, although of a different scope than claim 1, recite features similar to those discussed above in connection with claim 1. Thus, independent claims 12 and 26 are allowable over any combination of Cantos, Lee, Hanson, and Knepfle for at least reasons similar to those discussed above in connection with independent claim 1. It is therefore requested that the rejection of independent claims 12 and 26 be withdrawn, and that independent claims 12 and 26 be allowed.

Remaining claims 2-7, 9-11, 13-25, and 27-30 depend from one of independent claims 1, 12, and 26. Thus, remaining claims 2-7, 9-11, 13-25, and 27-30 are allowable over any combination of Cantos, Lee, Hanson, and Knepfle for at least the reasons discussed above in connection with independent claims 1, 12, and 26, as well as for their own features.

The Examiner is requested to contact the undersigned by telephone in the event that there are any outstanding issues.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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Dated: August 18, 2008

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